

IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA

~~NORTHERN~~ DIVISION

2007 NOV -2 P 1:05

AMINUL HOQUE AND ROBIN  
ISRAIL,

Plaintiffs,

vs.

SERVICE FIRST LOGISTICS,  
DONALD BAKER, INDIVIDUALLY,  
AND AS AN EMPLOYEE OR AGENT  
FOR SERVICE FIRST LOGISTICS, et  
al,

Defendants.

DEBRA P. HACKETT, CLK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

CIVIL ACTION NO. CV-~~2007~~-3:07-cv-987-WKW

**NOTICE OF REMOVAL**

Come now the Defendants identified in the Complaint as Service First Logistics and Donald Baker, and pursuant to 28 U.S.C. §§ 1441 and 1446 give notice of its removal of this action to the United States District Court, Middle District of Alabama. As grounds therefor, the Defendants say as follows:

1. Upon information and belief, Plaintiff Robin Israil is a resident citizen of the State of Alabama and was a resident citizen of the State of Alabama at the time of this Notice of Removal.
2. Upon information and belief, Plaintiff Aminul Hoque is a resident citizen of the State of Alabama and was a resident citizen of the State of Alabama at the time of this Notice of Removal.
3. Defendant Donald Baker is a resident citizen of the State of North Carolina

and was a resident citizen of the State of North Carolina at the time of this Notice of Removal.

4. Defendant Service First Logistics is a North Carolina corporation with its principal place of business both at present and at the time of the incident made the basis of this suit in the State of North Carolina. Therefore, Service First Logistics is a citizen of the State of North Carolina.

5. This action was removed within 30 days of the date within which it is first removable.


6. This action is a matter of which the United states District Court has jurisdiction in that the controversy is wholly between citizens of different states. Jurisdiction is based upon complete diversity of citizenship and the amount in controversy exceeds the sum of Seventy-five Thousand Dollars (\$75,000.00), exclusive of interest and costs, in compliance with 28 U.S.C. § 1332.

7. Although the Plaintiffs seek an unspecified amount of monetary damages, they claim the Defendants vehicle struck the Plaintiffs' vehicle "causing them bodily injury and injury to the vehicle." (Plaintiffs' Complaint para. 8). The Plaintiffs seek compensatory and punitive damages against these Defendants.

8. A copy of all pleadings and process served upon these Defendants are attached hereto as Exhibit 1.

9. A copy of this Notice of Removal has been filed with the Circuit Court of Macon County, Alabama.

WHEREFORE, the Defendants identified in the Complaint as Service First Logistics and Donald Baker request this Court to assume full jurisdiction over the cause herein as provided by law.

  
\_\_\_\_\_  
J. ALEX WYATT, III  
Attorney for Defendants

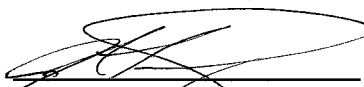
OF COUNSEL:

PARSONS, LEE & JULIANO, P.C.  
300 Protective Center  
2801 Highway 280 South  
P. O. Box 530630 (35253-0630)  
Birmingham, AL 35223-2480  
(205) 326-6600

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing via United States mail, postage prepaid and properly addressed on counsel for all parties as follows:

Mr. C. Franklin Snowden, III  
The Snowden Law Offices, P.C.  
2006 Berryhill Road  
Montgomery, AL 36117

  
\_\_\_\_\_  
OF COUNSEL

STATE OF ALABAMA  
UNIFIED JUDICIAL SYSTEM

CASE NO. CV-2007- 90

**SUMMONS**

IN THE CIRCUIT COURT OF MACON COUNTY, ALABAMA

AMINUL HOQUE and ROBIN ISRAIL, Plaintiffs,

vs.

SERVICE FIRST LOGISTICS, DONALD BAKER,  
Individually, and as an employee or agent for  
SERVICE FIRST LOGISTICS, and FICTITIOUS  
DEFENDANTS A, B, C, D AND E, Defendants.

CIVIL ACTION NO. CV 2007- 90

## NOTICE TO:

Service First Logistics 1089 Boulder Rd., Greensboro, NC 27409

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PETITIONER OR THE PETITIONER'S ATTORNEY C. FRANKLIN SNOWDEN III, WHOSE ADDRESS IS 2006 Berryhill Road, Montgomery, Alabama 36117.

THIS ANSWER MUST BE MAILED OR DELIVERED WITHIN THIRTY (30) DAYS AFTER THE SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT OF DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.

TO ANY SHERIFF OR ANY PERSON AUTHORIZED by the Alabama Rules of Civil Procedure:

☐ You Are Hereby Commanded to Serve this Summons and a Copy of the Complaint in this Action upon the Defendant.

☒ Service by Certified Mail of this Summons Is Initiated upon the Written Request of \_\_\_\_\_ Pursuant to the Alabama Rules of Civil Procedure.

DATE: 10/2/07

CLERK/REGISTER

BY: *David Love, Jr.*☒ CERTIFIED MAIL IS HEREBY REQUESTED

PLAINTIFF'S ATTORNEY'S SIGNATURE

## RETURN ON SERVICE:

☐ RETURN RECEIPT OF CERTIFIED MAIL RECEIVED IN THIS OFFICE ON \_\_\_\_\_

☐ I certify that I personally delivered a copy of the Summons and Complaint to \_\_\_\_\_

\_\_\_\_\_ in \_\_\_\_\_ County, Alabama on \_\_\_\_\_ (Date).

Date

Server's Signature

Address of Server

Type of Process Server

Phone Number of Server

Exhibit 1

IN THE CIRCUIT COURT  
OF  
MACON COUNTY, ALABAMA

AMINUL HOQUE  
and  
ROBIN ISRAIL

Plaintiffs,

vs.

SERVICE FIRST LOGISTICS,  
DONALD BAKER, Individually, and  
as an employee or agent for SERVICE  
FIRST LOGISTICS, and  
FICTITIOUS DEFENDANTS A, B, C,  
D AND E,

Defendants.

CIVIL ACTION NO.-CV 2007-

FILED IN  
CIRCUIT CLERKS OFFICE  
MACON COUNTY, AL  
2007 JUL 19 A 11:03

COMPLAINT

Parties

1. The Plaintiffs, Aminul Hoque and Robin Israil, are residents of Montgomery County, Alabama and are both over the age of nineteen years.
2. The Defendant, Service First Logistics, is a business entity headquartered in Greensboro, North Carolina.
3. The Defendant, Donald Baker, is a resident of Clemmons, North Carolina and is over the age of nineteen years.
4. Fictitious Defendants A, B, C, D and E, whose identities are yet unknown to your Plaintiff, are those other parties, persons or entities responsible for the damages giving rise to this cause of action and whose names and or

identities will be supplemented to this Petition upon ascertaining such.

### Jurisdiction

5. The event of which Plaintiffs complain occurred in Macon County, Alabama.

### Facts

6. On July 21, 2005, Robin Israil was operating a motor vehicle, with Aminul Hoque as a passenger therein, traveling north on Interstate 85 in Macon County, Alabama, between the intersections of Alabama Highway 49 and Alabama Highway 81.
7. Defendant Donald Baker was operating a motor vehicle owned by Defendant Service First Logistics traveling north on Interstate 85 in Macon County, Alabama, between the intersections of Alabama Highway 49 and Alabama Highway 81, at the same time as the motor vehicle operated by Aminul Hoque and Robin Israil.
8. Aminul Hoque and Robin Israil were slowing to a stop because of a WIDE LOAD vehicle which took over both lanes of traffic. At this time, Defendant Donald Baker, operating his motor vehicle at a high rate of speed crashed into the back of the vehicle being driven by Robin Israil and Aminul Hoque causing them bodily injury and injury to the vehicle.

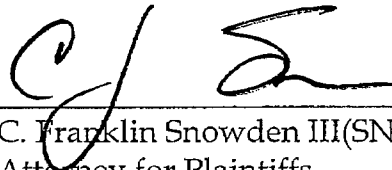
**Count I.**

**Negligence/Wantonness**

9. The Plaintiff, Aminul Hoque and Robin Israil, incorporates paragraphs one through eight above as if fully set forth herein.
10. The Defendant, Donald Baker, owed a duty to Aminul Hoque and Robin Israil, and other motorists to operate his vehicle, owned by Defendant Service First Logistics, in a reasonably safe manner, to watch for vehicles in front of him and to drive at an appropriate speed under the circumstances.
11. The Defendant, Service First Logistics, breached this duty to Aminul Hoque and Robin Israil and other motorists by not watching for automobiles in front of him, by driving at an excessive rate of speed under the circumstances and by failing to yield or stop.
12. Donald Baker operated his vehicle wantonly and with total conscious and reckless disregard of the rights and safety of Aminul Hoque and Robin Israil and others.
13. As a direct and proximate consequence and result of the manner in which Donald Baker operated the motor vehicle he was driving, Aminul Hoque and Robin Israil were caused to, and continue to, suffer grievous injuries including back injuries, neck injuries, broken bones, pain and discomfort, mental anguish, emotional distress and other injuries and harm.

WHEREFORE, the Plaintiffs, Aminul Hoque and Robin Israil, demands a money judgment against the defendants, Service First Logistics and Donald Baker, and Fictitious Defendants A, B, C, D and E in an amount to be determined as compensatory and punitive damages, together with the costs of these proceedings. The amount due the Plaintiff exceeds the minimum jurisdictional requirements of this court.

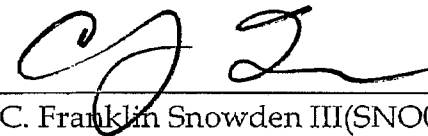
RESPECTFULLY SUBMITTED this 19<sup>th</sup> Day of July, 2007.



C. Franklin Snowden III(SNO009)  
Attorney for Plaintiffs

OF COUNSEL:  
THE SNOWDEN LAW OFFICES, P.C.  
2006 BERRYHILL ROAD  
MONTGOMERY, ALABAMA 36117  
(334) 409-7000

PLAINTIFF DEMANDS TRIAL BY STRUCK JURY



C. Franklin Snowden III(SNO009)



STATE OF ALABAMA  
UNIFIED JUDICIAL SYSTEM

CASE NO. CV-2007- 90

**SUMMONS**

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AMINUL HOQUE and ROBIN ISRAIL, Plaintiffs,  
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CIVIL ACTION NO. CV 2007- 90

SERVICE FIRST LOGISTICS, DONALD BAKER,  
Individually, and as an employee or agent for  
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DEFENDANTS A, B, C, D AND E, Defendants.

NOTICE TO:

Donald Baker 1516 Lewisburg Pointe Dr., Clemmons, NC 27102

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DATE: 10/2/07 David Love, Jr. BY: Sam.  
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CIVIL ACTION NO. CV 2007- 90

FILED IN  
CIRCUIT CLERKS OFFICE  
MONTGOMERY, AL

2007 JUN 19 8 11 11

COMPLAINT

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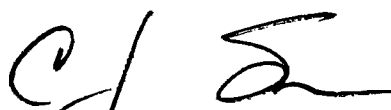
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RESPECTFULLY SUBMITTED this 19<sup>th</sup> Day of July, 2007.



C. Franklin Snowden III(SNO009)  
Attorney for Plaintiffs

OF COUNSEL:  
THE SNOWDEN LAW OFFICES, P.C.  
2006 BERRYHILL ROAD  
MONTGOMERY, ALABAMA 36117  
(334) 409-7000

PLAINTIFF DEMANDS TRIAL BY STRUCK JURY



C. Franklin Snowden III(SNO009)

DUPLICATE

Court Name: U S DISTRICT COURT - AL/M  
Division: 2  
Receipt Number: 4602001043  
Cashier ID: brobinso  
Transaction Date: 11/02/2007  
Payer Name: PARSONS LEE JULIANO PC

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CIVIL FILING FEE  
For: PARSONS LEE JULIANO PC  
Case/Party: D-ALM-3-07-CV-000987-001  
Amount: \$350.00

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CHECK  
Check/Money Order Num: 38529  
Amt Tendered: \$350.00

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Total Due: \$350.00  
Total Tendered: \$350.00  
Change Amt: \$0.00

HOQUE ET AL V. SERVICE FIRST  
LOGISTICS